## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI SOUTHERN DIVISION

AZUR SHELL LANDING	§	
DEVELOPMENT II, LLC	§	PLAINTIFF
	§	
<b>v.</b>	§	CAUSE NO. 1:06CV523 LG-JMR
	§	
WASHER, HILL AND LIPSCOMB, LLC	§	DEFENDANT/COUNTER-PLAINTIFF
	§	
<b>v.</b>	§	
	§	
AZUR SHELL LANDING	§	
DEVELOPMENT II, LLC, and AZUR	§	
SHELL LANDING DEVELOPMENT, LLC	\$	COUNTER-DEFENDANTS

## **ORDER GRANTING MOTION TO DISMISS**

THIS MATTER CAME BEFORE THE COURT for hearing on the Amended Motion to Dismiss and for Default Judgment [108] filed by Defendant/Counter-Plaintiff Washer, Hill & Lipscomb, LLC ("WHL"), requests dismissal of Plaintiff's claim for declaratory judgment on the basis that Plaintiff, a corporation, failed to obtain substitute counsel within the time allowed by the Court. On September 14, 2007, the Court entered a Text Order allowing attorneys for the Plaintiff to withdraw, but required Plaintiff to inform the Court by October 15, 2007 of its selection of new counsel. Plaintiff has not so informed the Court, nor has Plaintiff communicated with the Court since entry of the Order. Furthermore, Plaintiff did not appear for the hearing on this matter. A district court may dismiss an action for failure of a plaintiff to prosecute or to comply with any order of court. *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988).

IT IS THEREFORE ORDERED AND ADJUDGED that, for the reasons stated above and on the record at hearing, Defendant/Counter-Plaintiff's Motion to Dismiss for failure to prosecute is **GRANTED**. Plaintiff's claims against the Defendant are **DISMISSED WITH** 

## PREJUDICE.

**SO ORDERED AND ADJUDGED** this the 20<sup>th</sup> day of December, 2007.

LOUIS GUIROLA, JR.

UNITED STATES DISTRICT JUDGE

s/ Louis Guirola, Jr.